



**CALIFORNIA STATE  
PUBLIC WORKS BOARD**

ARNOLD SCHWARZENEGGER, GOVERNOR

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## **AGENDA WITH ANALYSIS**

**NOTICE OF MEETING  
STATE PUBLIC WORKS BOARD  
Monday, July 12, 2010**

The **STATE PUBLIC WORKS BOARD** will meet on  
**Monday, July 12, 2010, at 10:00 a.m. in Room 113,  
State Capitol, Sacramento, California.**

In accordance with provisions of Section 11125 of the  
Government Code, a copy of the Agenda is attached.

Greg Rogers  
Administrative Secretary

Attachment

**STATE PUBLIC WORKS BOARD**

**Monday, July 12, 2010**

**10:00 a.m.**

**Room 113**

State Capitol

Sacramento, California

**I. Roll Call**

Ana J. Matosantos Director, Department of Finance  
Ronald Diedrich, Acting Director, Department of General Services  
Cindy McKim, Director, Department of Transportation  
John Chiang, State Controller  
Bill Lockyer, State Treasurer

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Ms. Pam Harris, Director, Employment Development Department  
(Advisory Member)

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Assembly Member, Mike Eng, Legislative Advisor  
Assembly Member, Mary Hayashi, Legislative Advisor  
Assembly Member, Sandre Swanson, Legislative Advisor  
Senator, Mark J. DeSaulnier, Legislative Advisor  
Senator, Denise Ducheny, Legislative Advisor  
Senator, Vacant, Legislative Advisor

**II. Approval of minutes from the [June 14, 2010](#) meeting**

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## BOND ITEMS

### BOND ITEM—1

**DEPARTMENT OF GENERAL SERVICES (1760)  
SALE OF FIXED ASSETS  
VARIOUS LOCATIONS, SACRAMENTO COUNTY**

*Authority: Section 14670.13 of the Government Code*

**Consider authorizing staff actions to seek a closing agreement under the tax exempt bonds Voluntary Closing Agreement Program with respect to certain maturities of the Boards' 1998 Series A Department of Justice and the 1998 Series A Franchise Tax Board bonds.**

## BOND ITEMS

### BOND ITEM—1

Department of General Services  
Sale of Fixed Assets  
Various Locations, Sacramento County

#### Action Requested

**Consider authorizing staff actions to seek a closing agreement with the IRS under the Tax-Exempt Bonds Voluntary Closing Agreement Program and authorize execution of all related documents.**

#### Background

Upon satisfaction of certain conditions, Government Code section 14670.13 authorizes the Department of General Services (DGS) to enter into a sale or long-term lease for eleven specified state-owned properties, including the Franchise Tax Board Complex and the Attorney General Building in Sacramento. These facilities were financed in whole or in part by the Board's Lease Revenue Refunding Bonds 1998 Series A (Department of Justice Building) and the Board's Lease Revenue Refunding Bonds 1998 Series A (Franchise Tax Board Central Office Project – Phase II), as applicable, a portion of each such issue of Bonds remain outstanding. Accordingly, DGS cannot sell these facilities until the Board causes such outstanding bonds to be defeased. During the review of the bond documents in preparation to defease the outstanding bonds tax counsel (Orrick, Herrington and Sutcliffe) identified a problem related to defeasing certain maturities of such bonds (the "Subject Bonds").

### Summary of the Tax Issue

When a project financed or refinanced with tax-exempt bonds is sold to a non-governmental user, prior to or concurrently with the payment in full of the outstanding related bonds, the IRS treats the sale as a "change in use" and this can potentially affect the tax-exempt status of interest on the bonds unless the change in use is remediated. The proposed sale of these facilities pursuant to Government Code section 14670.13 may constitute a change in use. This change in use can be remediated by meeting certain safe harbor criteria set forth by the IRS, for example; a sale at fair market value, reasonable expectation that Project wasn't going to be subject to impermissible private use at time of issue and project sold in an arm's length transaction.

Tax counsel has advised staff that all of the relevant safe harbor requirements, except for one, are clearly met in the case of the Subject Bonds. However, one of the safe harbor criteria is only available if the Subject Bonds could be called no later than 10.5 years from the date they were issued; the Subject Bonds do not meet this safe harbor criterion.

For our purposes, one key statutory condition applicable to the sale of properties with outstanding lease revenue bonds is that both the issuer and the trustee approve the sale transaction and that approval must take into consideration that none of the covenants of either the issuer or trustee will be breached. The Board has covenanted to maintain the tax-exempt status of interest on the Subject Bonds. It may be necessary to remediate the change in use so that impermissible private use of the financed projects does not cause interest on the Subject Bonds to become taxable. In order to sufficiently remediate the above outlined private use concern tax counsel recommended several approaches including delaying the sale of the facilities or approaching the IRS with the facts and circumstances of this situation under the IRS's Voluntary Closing Agreement Program (VCAP) .

Tax counsel has had preliminary contact with the IRS and believes that seeking a closing agreement under the VCAP program is the most viable option to remediate this private use tax concern given that we would rather not delay the sale of the affected facilities. A condition of the closing agreement with the IRS will likely be payment of certain penalties related to the change in use. Such penalties would be paid from proceeds of the sale of the facilities. Tax counsel has begun drafting the necessary documentation requesting IRS intervention on this matter; however, it is not known how long the process will take.

**Staff Recommendation: Authorize staff actions (including the execution of necessary documents and agreements) in order to obtain a closing agreement with the IRS pursuant to the Voluntary Closing Agreement Program.**

## CONSENT ITEMS

### CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
CLOVIS COURTHOUSE  
FRESNO COUNTY

AOC Facility Number 10-G1, DGS Parcel Number 10653

*Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended*

**Consider the acceptance of real property through a transfer of title**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—1

Judicial Council of California  
Administrative Office of the Courts, Clovis Courthouse

#### Action Requested

**If approved, the requested action would authorize the acceptance of real property through a transfer of title.**

#### Scope Description

**This transaction is within scope.** The County of Fresno (County) is transferring fee title in and to the court facility commonly known as the Clovis Courthouse, located at 1011 Fifth Street, Clovis, California (Court Facility), to the State of California (State), acting by and through the Judicial Council of the California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement Between the Council, AOC, and the County for the Transfer of Responsibility and Title for Court Facility, dated December 16, 2008 (Transfer Agreement). The Court Facility consists of approximately 0.4 acres of real property improved with a one-story building constructed in 1980, and associated landscaping. The transfer of ownership includes a grant of easement for access and parking to the State from the City of Clovis, at no charge, for purposes of providing the right of access to and from the public street. The grant of easement deed will be recorded concurrently with the deed from the County. Following the transfer of title, the State will occupy 100 percent of the Court Facility and the State shall be responsible for the funding and operation of the Court Facility.

### Funding and Cost Verification

**This transaction is within cost.** The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

### CEQA

A Notice of Exemption was filed with the State Clearinghouse on December 5, 2008. The 35-day statutes of limitation expired on January 9, 2009, without challenge.

### Condition of Property

A Phase I Environmental Site Assessment (Phase I) and building assessment was conducted on the subject property and the following findings were made:

#### Phase I:

A Phase I report was completed in May 2009 to evaluate significant environmental, health, and safety conditions impacting the interior and exterior of the court facility. The Phase I cited no on-site historic or current recognized environmental conditions (REC) at the subject property. Based on the site inspection, historical information, and interviews, no off-site historic or RECs were identified. There were no underground/above-ground storage tanks found at the subject property, nor any evidence of groundwater contamination from onsite or offsite sources. The Phase I however, did identify the suspect presence of both asbestos containing materials (ACM) and lead based paints (LBP) due to the building's age and time of construction.

#### Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted a site visit of the Court Facility in March 2010 to assess the general condition of the property. OCCM concluded that the court facility did not contain any apparent hazards to the health and safety of the occupants of the property.

#### Seismic Safety Assessment of the Improvements:

Pursuant to SB 1732 (Escutia), Chapter 1082, Statutes of 2002 (Act), Section 70327, any court facility less than 10,000 square feet of space may be waived from the seismic safety assessment requirement upon approval of the Director of the Department of Finance (Finance) and the Administrative Director of the Courts. This requirement has been waived for this facility with the applicable approvals from Finance and the Administrative Director of the Courts.

### Project Schedule

Estimated close of escrow is August 2010.

### Other

- The State may refuse to accept responsibility for the court facility only if (a) the Court Facility contains one or more “deficiencies,” as defined at Government Code Section 70326(b), and (b) the county and the State have not made provisions for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.
- The County approved the Transfer Agreement to transfer title and responsibility of the Court Facility to the State at its regularly scheduled meeting on December 16, 2008.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- The Access and Parking Easement will provide the State with a non-exclusive easement for purposes of ingress and egress to the parking lot. The State acknowledges that the subsurface area lying beneath the easement is subject to the City’s underground utilities. As such, from time to time the easement area may be temporarily used for the maintenance, repair or replacement of the underground utilities.
- The County has agreed to indemnify the State for any liability imposed on the State pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Phase I report indicates that it is likely that there are potential concerns for LBP and ACMs in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. In addition, prior to any ground disturbing activities, appropriate local, state, and federal rules/regulations will be followed with respect to handling and possible disposal of contaminated soil.
- The terms of the Transfer Agreement state that the County will continue to offer its information technology and telecommunication services (Data Equipment System) to the State. Effective as of the closing, the State grants the County rights of ingress, egress and access to all parts of real property to which the any component or subcomponent of connection to the Data Equipment system is located.
- The AOC is not aware of any lawsuits pending concerning the property.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.
- There are no historic issues, relocation assistance, or implied dedication associated with the court facility.

**Staff Recommendation:**      **Authorize the acceptance of real property through a transfer of title**

## CONSENT ITEMS

### CONSENT ITEM—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW MADERA COURTHOUSE  
MADERA COUNTY

AOC Facility Number 20-F1

*Authority: Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037 (2)  
Chapters 268 and 269, Statutes of 2008, Item 0250-301-3037 (2),  
as reappropriated by the Budget Act of 2009  
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by  
Chapter 1, Statutes of 2009, Fourth Extraordinary Session  
Item 0250-301-3037 (5)*

**Consider recognizing a scope change**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—2

Judicial Council of California  
Administrative Office of the Courts  
New Madera Courthouse, Madera County

#### Action Requested

**If approved, the requested action would recognize a scope change.**

#### Scope Description

**This project is not within scope.** The authorized scope for this project is to construct a new 10-courtroom, 110,700 square foot facility on approximately 5.7 acres in Madera County. At the June 12, 2009, State Public Works Board (Board) Meeting, the Board approved the acquisition of 5.7 acres from the City of Madera Redevelopment Agency (Madera RDA), which included space for the new courthouse and 60 surface parking spots. The court had existing available parking in the public garage (county-owned), nearby lots, and unmetered street parking to provide adequate, but not ideal, parking for court staff and the public. Secured judicial officer parking for 12 spaces is included in the basement level of the new project.



The Madera RDA has agreed to donate three parcels of land (0.6 acres), the remaining vacated city-owned alley, and reduce the acquisition costs for the original 5.7 acre site in order for the state to construct a 250-space parking garage that will be owned and operated by the state. The original 60 surface parking spots will no longer be needed. The Madera RDA will clear the site of all structures prior to conveyance to the state. In exchange, the City of Madera will be allowed to use the parking structure at no cost for five specified events each year. We estimate that the donation of these three additional parcels will be brought to the Board for approval by September 2010.

A letter of notification was sent to the Legislature on June 18, 2010 and the waiting period has expired with no adverse comments.

#### Funding and Cost Verification

**This project is within cost.** Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037 (2) authorized the acquisition phase. Chapters 268 and 269, Statutes of 2008, Item 0250-301-3037 (2), as reappropriated by the Budget Act of 2009, authorized the preliminary plans phase. Chapter 1 (3X), Statutes of 2009, Item 0250-301-3037 (5), as amended by Chapter 1 (4X), Statutes of 2009, authorized the working drawings phase.

\$100,208,000	total authorized project costs
\$100,137,000	total estimated project costs
\$ 4,126,000	project costs previously allocated: \$469,000 acquisition and \$3,657,000 preliminary plans
\$ 96,011,000	projects costs to be allocated: \$4,863,000 working drawings and \$91,148,000 construction (\$81,738,000 contract, \$3,942,000 contingency, \$1,260,000 A&E, and \$4,208,000 other project costs)

#### CEQA

A Notice of Exemption was filed with the State Clearinghouse on October 2, 2008. The statutes of limitation period expired, without adverse comments.

#### Project Schedule

Approve preliminary plans	September 2010
Complete working drawings	May 2011
Complete construction	April 2013

**Staff Recommendation:**     **Recognize scope change.**

## CONSENT ITEMS

### CONSENT ITEM—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW REDDING COURTHOUSE (BALLFIELD & GRAVEL LOT SITE)  
SHASTA COUNTY

AOC Facility Number 45-E1-10, DGS Parcel Number 10640

*Authority: Chapter 311, Statutes of 2008  
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by  
Chapter 1, Statutes of 2009, Fourth Extraordinary Session,  
Item 0250-301-3138 (4)*

**Consider authorizing site selection**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—3

Judicial Council of California  
Administrative Office of the Courts  
New Redding Courthouse (Ballfield & Gravel Lot Site), Shasta County

#### Action Requested

**If approved, the requested action would authorize site selection.**

#### Scope Description

**This project is within scope.** The requested action would authorize site selection of two parcels which total approximately 5.7 acres in the City of Redding. This publicly owned property would be acquired for the construction of a new 14-courtroom, 173,000 square foot facility and associated improvements for Superior Court of California (Court) for judicial, administrative, and related purposes. The project will provide secure parking for judicial officers and staff as well as surface parking. The parcels are situated in close proximity to Interstate Route 5, other major travel arterials, and public buildings including Redding City Hall, California Department of Forestry and Fire Protection (CalFire), Shasta County Fire Department Administration, and Redding Public Library.

### Funding and Cost Verification

This project is within cost. Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3138(4) provides \$6,996,000 for land acquisition. This property can be acquired with the funds available and in accordance with legislative intent.

### CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (Council) acting in the capacity of Lead Agency will undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. This will be submitted with a future site acquisition application for the selected site.

### Condition of Property

On February 17, 2010, Department of General Services (DGS) staff conducted a site visit to assess the general condition of the subject property which consists of two parcels in approximately 5.7 acres in the City of Redding, Shasta County. The 3.5 acre parcel situated at 900 Parkview Avenue is improved with a fenced baseball diamond, two dugouts, bleachers, and a small concession building. The 2.2 acre parcel situated at 855 Cypress Avenue is improved with asphalt paved and gravel parking areas and a small restroom building. Topography of the property is nearly level.

Phase I Environmental Site Assessments were published in January 2010 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. While there are no environmental liens or activity use limitations associated with the parcels investigated, the reports list the following conditions:

#### Ballfield Parcel (900 Parkview Avenue)

1. Based on the age of the subject property structures (constructed before 1952), building materials may contain asbestos. There is also the possible presence of lead-based paint.
2. The Shasta County Public Library site at 1100 Parkview Avenue is adjacent and northwest (up gradient) of the Ballfield Parcel. Per the City Manager, an Underground Storage Tank (UST) was discovered during the redevelopment of the library site in 2005. The UST was removed, but more investigations are occurring. The incomplete assessment associated with the UST and the adjacent location of the library to the Ballfield Parcel represents a recognized environmental condition (REC).
3. A Phase II ESA conducted for the construction of the City of Redding's City Hall adjacent to the Ballfield Parcel identified oil and grease in soil samples collected near the southeast corner of the Ballfield Parcel. No actual off-site source was identified and no further investigation or remediation has occurred with respect to this. The presence of oil and grease within the property may require regulatory action that represents a REC.

#### Gravel Lot Parcel (855 Cypress Avenue)

1. The incomplete assessment associated with the removal of the UST at the Shasta County Public Library site mentioned above is not a REC to this parcel based on the location and cross-gradient position of this parcel in relation to the library.
2. The environmental concerns on this parcel related to the presence of oil and grease in soil samples per the Phase II ESA conducted prior to the construction of the Redding City Hall are similar to the REC at the Ballfield Parcel.

DGS recommends that the AOC provide for the appropriate clean-up of all noted environmental issues (lead based paint, asbestos, and onsite contamination) in accordance with current law.

Project Schedule

Estimated close of escrow	March 2011
Approve preliminary plans	February 2012
Complete working drawings	September 2012
Complete construction	January 2015

Other:

- The proposed site meets the Council's size, location, and compatibility requirements.
- The purchase price shall not exceed the estimated fair market value as indicated in DGS approved appraisal reports.
- Improvements on both parcels require demolition for the proposed court project. Buyer or seller responsibility for the demolition activities and cost will be determined in the post-site selection due diligence period.
- The property is located within a redevelopment agency plan area. If this property proceeds to the acquisition stage, the State will enter into a Memorandum of Understanding with the redevelopment agency (RDA), or obtain an RDA or City resolution, wherein the RDA waives for the State courthouse project any restriction and control rights it may have under its current or future redevelopment plans.
- There are no historic issues, relocation assistance, or implied dedication associated with this project.

**Staff Recommendation:     Authorize site selection.**

## CONSENT ITEMS

### CONSENT ITEM—4

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW TAHOE AREA COURTHOUSE  
PLACER COUNTY

*Authority: Sections 70371.5 and 70371.7 of the Government Code*

**Consider establishing scope, cost, and schedule**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—4

Judicial Council of California  
Administrative Office of the Courts  
New Tahoe Area Courthouse, Placer County

#### Action Requested

**If approved, the requested action would establish scope, cost, and schedule.**

#### Scope Description

This new facility will replace the unsafe, overcrowded, and physically and functionally deficient court-occupied space in the Tahoe City Courthouse. The new 1-courtroom, 15,000 square foot facility in the Tahoe area will provide a modern, secure courthouse for all case types, and expand court services by providing space for family law mediation and self-help services, which are not currently provided due to lack of space. Two secure parking spaces will be provided for judicial officers and 45 surface parking spaces will be provided. In addition, to acquire a site for the new facility, the Judicial Council of California (Council) requests \$8,712,000 to purchase an approximately 1.3 acre site. It is the expectation of the State Public Works Board (Board) that the purchase price will not exceed fair market value as determined by an independent appraisal that is reviewed and approved by the Department of General Services, Real Estate Services Section. Authorization to acquire a site will be subject to the Board's review and approval.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessments for the purpose of improving courthouses in California. In October 2008, the Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on this list and therefore is one of the highest priority projects for the judicial branch.

On June 7, 2010, the Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the Board for approval no sooner than 30 days after the date of notification. The 30-day waiting period has expired with no adverse comments.

#### Funding and Cost Verification

This action would establish the total cost for this project of \$27,489,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for acquisition and preliminary plans is continuously appropriated per Chapter 10, Statutes of 2009. Release of preliminary plan funds is subject to the Board's review and approval. Authorization for working drawings and construction funds will be included in the appropriate Budget Act. It is anticipated that preliminary plans and working drawings will be funded from the ICNA. The construction phase is proposed to be funded through lease revenue bonds.

\$27,489,000      total estimated project cost

\$27,489,000      project costs to be allocated: \$8,712,000 acquisition, \$866,000 preliminary plans, \$1,160,000 working drawings, and \$16,751,000 construction (\$14,857,000 contract, \$743,000 contingency, \$284,000 A&E, and \$867,000 other project costs)

#### CEQA

Appropriate CEQA documentation will be completed for this project during the acquisition phase.

#### Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

#### Project Schedule

Estimated close of escrow	July 2012
Approve preliminary plans	February 2013
Complete working drawings	September 2013
Complete construction	April 2015

**Staff Recommendation:      Establish scope, cost, and schedule.**

## CONSENT ITEMS

### CONSENT ITEM—5

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
RENOVATION AND ADDITION TO JUVENILE JUSTICE CENTER  
SAN JOAQUIN COUNTY

*Authority: Sections 70371.5 and 70371.7 of the Government Code*

**Consider establishing scope, cost, and schedule**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—5

Judicial Council of California  
Administrative Office of the Courts  
Renovation and Addition to Juvenile Justice Center, San Joaquin County

#### Action Requested

**If approved, the requested action would establish scope, cost, and schedule.**

#### Scope Description

This project will renovate and expand the existing facility, which provides juvenile court services for the county of San Joaquin. The renovated facility will provide space for one new judgeship and expand court services by increasing the capacity for juvenile court proceedings from two to three courtrooms. This project will construct a new one-courtroom, 4,000 square foot addition to the existing facility in the City of French Camp. This project will also renovate certain public spaces in the existing lobby, public restrooms, and public counters. These renovations will increase security and bring this facility in compliance with the Americans with Disabilities Act. The addition will be constructed on County of San Joaquin property per a Joint Occupancy Agreement with the County that allows the state to remain on the County property in perpetuity.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessments for the purpose of improving courthouses in California. In October 2008, the Judicial Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on this list and therefore is one of the highest priority projects for the judicial branch.

On June 7, 2010, the Judicial Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the State Public Works Board (Board) for approval no sooner than 30 days after the date of notification.

#### Funding and Cost Verification

This action would establish the total cost for this project of \$3,137,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for preliminary plans is continuously appropriated per Chapter 10, Statutes of 2009. Release of preliminary plan funds is subject to the Board's review and approval. Authorization for working drawings and construction funds will be included in the appropriate Budget Act. It is anticipated that preliminary plans and working drawings will be funded from the ICNA. The construction phase is proposed to be funded through lease revenue bonds.

\$3,137,000      total estimated project cost

\$3,137,000      project costs to be allocated: \$244,000 preliminary plans, \$259,000 working drawings, and \$2,634,000 construction (\$2,189,000 contract, \$153,000 contingency, \$127,000 A&E, and \$165,000 other project costs)

#### CEQA

Appropriate CEQA documentation will be completed for this project during the preliminary plans phase.

#### Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

#### Project Schedule

Approve preliminary plans	March 2011
Complete working drawings	January 2012
Complete construction	July 2013

**Staff Recommendation:**      **Establish scope, cost, and schedule.**



## CONSENT ITEMS

### CONSENT ITEM—6

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW MODESTO COURTHOUSE  
STANISLAUS COUNTY

*Authority: Sections 70371.5 and 70371.7 of the Government Code*

**Consider establishing scope, cost, and schedule**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—6

Judicial Council of California  
Administrative Office of the Courts  
New Modesto Courthouse, Stanislaus County

#### Action Requested

**If approved, the requested action would establish scope, cost, and schedule.**

#### Scope Description

This new facility will replace the unsafe, overcrowded, and physically and functionally deficient court-occupied space in the existing Modesto Courthouse. The new 26-courtroom, 301,500 square foot facility in the City of Modesto will consolidate six facilities and provide space for 22 existing judicial officers and four new judgeships. This project will provide a modern, secure courthouse for all adult case types. The project includes 32 secure basement parking spaces for judicial officers and 100 public surface parking spaces. In addition, to acquire a site for the new facility, the Judicial Council requests \$14,766,000 to purchase an approximately 2.9-acre site. It is the expectation of the State Public Works Board (Board) that the purchase price will not exceed fair market value as determined by an independent appraisal that is reviewed and approved by the Department of General Services, Real Estate Services Section. Authorization to acquire a site will be subject to the Board's review and approval.

Chapter 311, Statutes of 2008, authorized an increase in certain court fees, penalties, and assessments for the purpose of improving courthouses in California. In October 2008, the Judicial Council adopted a list of 41 Immediate and Critical Need priority group projects to be funded by these revenues. This project is on this list and therefore is one of the highest priority projects for the judicial branch.

On June 7, 2010, the Judicial Council notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the Board for approval no sooner than 30 days after the date of notification. The 30-day waiting period has expired with no adverse comments.

#### Funding and Cost Verification

This action would establish the total cost for this project of \$278,276,000 to be funded from the Immediate and Critical Needs Account (ICNA). Funding for acquisition and preliminary plans is continuously appropriated per Chapter 10, Statutes of 2009. Release of preliminary plan funds is subject to the Board's review and approval. Authorization for working drawings and construction funds will be included in the appropriate Budget Act. It is anticipated that preliminary plans and working drawings will be funded from the ICNA. The construction phase is proposed to be funded through lease revenue bonds.

\$278,276,000      total estimated project cost

\$278,276,000      project costs to be allocated: \$14,766,000 acquisition, \$11,959,000 preliminary plans, \$16,009,000 working drawings, and \$235,542,000 construction (\$209,214,000 contract, \$10,461,000 contingency, \$3,926,000 A&E, and \$11,941,000 other project costs)

#### CEQA

Appropriate CEQA documentation will be completed for this project during the acquisition phase.

#### Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the acquisition phase.

#### Project Schedule

Estimated close of escrow	July 2012
Approve preliminary plans	April 2013
Complete working drawings	March 2014
Complete construction	May 2016

**Staff Recommendation:      Establish scope, cost, and schedule.**

## CONSENT ITEMS

### CONSENT ITEM—7

JUDICIAL COUNCIL OF CALIFORNIA (0250)  
ADMINISTRATIVE OFFICE OF THE COURTS  
NEW PORTERVILLE COURTHOUSE  
TULARE COUNTY  
AOC Facility Number 54-I1

*Authority: Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037 (8)  
Chapters 268 and 269, Statutes of 2008, Item 0250-301-3037 (8)  
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by  
Chapter 1, Statutes of 2009, Fourth Extraordinary Session,  
Item 0250-301-3037 (16)*

**Consider approving preliminary plans**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—7

Judicial Council of California  
Administrative Office of the Courts  
New Porterville Courthouse, Tulare County

#### Action Requested

**If approved, the requested action would approve preliminary plans.**

#### Scope Description

**This project is within scope.** This project constructs a new 9-courtroom, 100,300 square foot facility on a 7.4 acre site in Porterville. This project will consolidate court operations by replacing inadequate and obsolete facilities and provide increased security.

### Funding and Cost Verification

**This project is within cost.** Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037 (8), authorized the acquisition phase. Chapters 268 and 269, Statutes of 2008, Item 0250-301-3037 (8), authorized the preliminary plans phase. Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by, Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3037 (16), authorized the working drawings phase. The construction cost estimate at the end of preliminary plans (100 percent design development) indicates that estimated construction cost reflects the anticipated construction bids.

\$93,364,000	total authorized project costs
\$93,364,000	total estimated project costs
\$ 7,690,000	project costs previously allocated: \$4,426,000 acquisition and \$3,264,000 preliminary plans
\$85,674,000	projects costs to be allocated: \$4,619,000 working drawings and \$81,055,000 construction (\$71,985,000 contract, \$3,599,000 contingency, \$1,163,000 A&E, and \$4,308,000 other project costs)

### CEQA

A Notice of Determination was filed with the State Clearinghouse on August 4, 2009. The 30-day statutes of limitation expired on September 2, 2009, without challenge.

### Project Schedule

Approve preliminary plans	July 2010
Complete working drawings	August 2011
Complete construction	March 2013

**Staff Recommendation:     Approve preliminary plans.**

## CONSENT ITEMS

### CONSENT ITEM—8

DEPARTMENT OF JUSTICE (0820)  
FRESNO REPLACEMENT FORENSIC LABORATORY  
FRESNO COUNTY

*Authority: Chapter 324, Statutes of 1998, Item 0820-301-0001 (3)  
Chapter 50, Statutes of 1999, Item 0820-301-0001 (3)  
Chapter 52, Statutes of 2000, Item 0820-301-0001 (1.5)  
Chapter 379, Statutes of 2002, Item 0820-001-0001*

Consider approving an augmentation

**\$179,000**  
(1.4 percent total project)  
(14.4 percent cumulative)

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—8

Department of Justice  
Fresno Replacement Forensic Laboratory

#### Action Requested

**The requested action would approve an augmentation.**

#### Scope Description

**This project is within scope.** This project was completed in May 2003. The project constructed a 36,000 square foot Forensic Laboratory with an administration area consisting of office space for 28 staff, including: reception area; records file room; copy and supplies room; employee room; conference room; library; showers and lockers; rest rooms for employees and visitors. The space associated with the laboratory includes a variety of evidence rooms, firearms examination and storage areas, a maintenance shop, parking, and utilities.

This augmentation will allow the Department of Justice (DOJ) to settle an outstanding construction claim of \$295,000 with Zumwalt Construction (Zumwalt). After negotiation with DOJ, Zumwalt has agreed to accept this amount in lieu of going to arbitration for their original \$565,952 claim. The Deputy Attorney General counsel recommends approval of DOJ's request to settle and believes this amount is reasonable because: (1) the arbitrator will likely find DOJ at fault for 82 days of the project delay, (2) there was a long-term misunderstanding between the DOJ Project Director and the contractor, despite Zumwalt's efforts to clarify, and (3) there will be additional future litigation costs incurred by the state if this matter goes to arbitration.

#### Funding and Cost Verification

**This project is not within cost.** \$12,730,748 has been appropriated by the Legislature for this project. Between 2001 and 2006 DOJ received augmentations for working drawings and construction totaling \$1,656,874. The state and Zumwalt have since negotiated to settle the outstanding claim for \$295,000. Of the authorized project funds \$116,000 remains available for use toward the settlement. DOJ now requests a final augmentation for \$179,000 to pay the remainder of the settlement, and to avoid arbitration and added legal fees.

A 20-day letter was sent to the Legislature on June 18, 2010 and the waiting period has expired with no adverse comments.

\$14,387,622	total authorized project costs
\$14,566,622	total estimated project costs
\$14,387,622	project costs previously allocated: \$397,000 preliminary plans, \$669,000 working drawings, \$13,321,622 construction (\$11,504,805 construction contract, \$575,240 contingency, \$549,509 A&E Services, and \$692,068 other project costs)
\$ 179,000	project costs to be allocated: construction; other project costs
\$ 179,000	augmentation request: construction; other project costs

#### CEQA

A Notice of Exemption was filed with the State Clearinghouse on December 9, 1999 and the waiting period expired on January 8, 2000 without challenge.

#### Project Schedule

Approve preliminary plans	December 1999
Complete working drawings	May 2001
Complete Construction	May 2003

**Staff Recommendation: Approve augmentation.**

## CONSENT ITEMS

### CONSENT ITEM—9

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)  
NORTH REGION FOREST FIRE STATION FACILITIES  
Various Counties

*Authority: Chapters 47 and 48, Statutes of 2006, Item 3540-301-0660 (1),  
as reappropriated by the Budget Acts of 2008 and 2009  
Chapters 268 and 269, Statutes of 2008, Item 3540-301-0660 (2.5),  
as reappropriated by the Budget Act of 2009*

**Recognize scope change**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—9

Department of Forestry and Fire Protection  
North Region Forest Fire Station Facilities  
Various Counties

Action requested

**If approved, the requested action would recognize a scope change.**

Scope Description

**This project is not within scope.** The California Department of Forestry and Fire Protection (CAL FIRE) is requesting a scope change to reduce the scope of the North Region Forest Fire Station Facilities project by removing the Burrell Forest Fire Station (Burrell Site), located in Santa Clara County (Los Gatos), from the project because of recently discovered seismic fault lines that run throughout the site. This multi-sited project consists of the replacement of the following 11 forest fire stations:

- Whitmore—Two-engine forest fire station, 12-bed barracks and mess hall, generator and pump building, 20,000 gallon water storage tank, and other minor site improvements.

- Buckhorn—One-engine forest fire station, 8-bed barracks and mess hall, generator and pump building, 5,000 gallon water storage tank, and other minor site improvements.
- Thorn—One-engine forest fire station, 8-bed barracks and mess hall, generator and pump building, and other minor site improvements.
- Susanville—Two-engine forest fire station, 14-bed barracks and mess hall, generator and storage building, Battalion Chief's office, and other minor site improvements.
- Forest Ranch—Two-engine forest fire station, 12-bed barracks and mess hall, apparatus building bay addition, Battalion Chief's office, generator and pump building, 20,000 gallon water tank, new water system, and other minor site improvements.
- Del Puerto—One-engine forest fire station, 10-bed barracks and mess hall, dozer shed, generator and pump building, administrative office building, vehicle wash rack building, and other minor site improvements.
- Point Arena—One-engine forest fire station, 2-bay apparatus building, generator and pump building, and other minor site improvements.
- Elk Creek—Two-engine forest fire station, 12-bed barracks and mess hall, generator and pump building, 20,000 gallon water tank, and other minor site improvements.
- Smartville—Two-engine forest fire station, 3-bay apparatus building, generator and pump building with emergency generator and fire pump, retrofit existing apparatus building with fire sprinkler system.
- Saratoga Summit—Two-engine forest fire station, 12-bed barracks and mess hall, generator and pump building, and an administrative office building, retrofits existing apparatus building with fire sprinkler system.
- Burrell—One-engine forest fire station, 8-bed barracks and mess hall building (3,134 square feet [sf]), retrofitting a 2-bay apparatus building (1,664 sf), new construction of a generator and pump building (648 sf), self-contained breathing apparatus building (800 sf), and other minor site improvements.

After consultation with the California Geological Survey (Department of Conservation), it has been determined that the Burrell Site is unbuildable because of its close proximity to multiple active faults. Therefore, CAL FIRE is requesting that Burrell Site be removed from the scope of this project.

On May 27, 2010, CAL FIRE notified the chairs of the Joint Legislative Budget Committee of its intent to submit this project to the Board for approval no sooner than 20 days after the date of notification. The 20-day waiting period has expired with no adverse comments.



### Funding and Cost Verification

**This project is within cost.** A total of \$25,045,000 lease revenue bonds have been appropriated for this project. It is estimated that the requested scope change will result in approximately \$2,331,000 in project savings. However, actual project savings will not be known until all of the project sites have been bid later this year.

In April 2010, lease revenue bonds were sold in the amount of \$18,146,000 for all sites except Saratoga Summit, Smartville, and Burrell. With the removal of the Burrell Site, a total of \$4,568,000 in unsold bond authority would be available for the two remaining sites.

\$25,045,000	total authorized project costs
\$22,714,000	total estimated project costs
\$ 2,359,000	project costs previously allocated: \$1,592,000 preliminary plans and \$767,000 working drawings
\$20,355,000	project costs to be allocated: \$15,000 working drawings and \$20,340,000 construction (\$17,521,000 contract, \$877,000 contingency, \$1,301,000 A&E, and \$640,000 other project costs)
\$ 2,331,000	estimated project savings: construction

### CEQA

A Notice of Determination or a Notice of Exemption has been filed with the State Clearinghouse for each site, and the statutes of limitation have expired, without challenge.

### Real Estate Due Diligence

The Department of General Services has prepared a Summary of Conditions Memo for each site. All of the sites, with the exception of Saratoga Summit and Burrell, have no outstanding issues. Saratoga Summit has a reversionary clause that will need to be resolved before that site proceeds to bid.

### Project Schedule

Approve preliminary plans:	November 2008
Complete working drawings:	May 2009
Complete Construction:	February 2010

### Other

Project schedule represents completion of all remaining site except Saratoga Summit and Smartville.

**Staff Recommendation:**                      **Recognize scope change.**

## CONSENT ITEMS

### CONSENT ITEM—10

DEPARTMENT OF PARKS AND RECREATION (3790)  
CHINO HILLS STATE PARK, ENTRANCE ROAD AND FACILITIES  
ORANGE, RIVERSIDE, AND SAN BERNARDINO COUNTIES

*Authority: Chapter 157, Statutes of 2003, Item 3790-301-6029 (3)  
Chapter 208, Statutes of 2004, Item 3790-301-6029 (2.2)  
as reappropriated by the Budget Act of 2009  
Chapters 38 and 39, Statutes of 2005, Item 3790-301-6029 (3)  
as reappropriated by the Budget Act of 2009*

Consider approving an augmentation

**\$866,000**

**(6.7 percent total project)  
(16.3 percent cumulative)**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—10

Department of Parks and Recreation  
Chino Hills State Park  
Entrance Road and Facilities  
Orange, Riverside, and San Bernardino Counties

#### Action Requested

**If approved, the requested action would approve an augmentation.**

#### Scope Description

**This project is within scope.** This project will improve service to the public and allow formal access to Chino Hills State Park by providing a new entrance road and associated infrastructure. This project will include development of approximately two miles of a safe, all-weather entrance road, retaining walls, road drainage facilities, a park entrance station, utilities, a scenic overlook, erosion control, a multi-use path, a maintenance facility, comfort station, trailhead and intersection improvements.

### Funding and Cost Verification

**This project is not within cost.** The project is not within cost as currently designed. A total of \$12,880,000 has been appropriated from Proposition 84 bond funds for preliminary plans, working drawings, construction, and equipment. In November 2005 the Board approved an augmentation to the working drawing phase of \$830,000 for geotechnical and hydrological studies. These studies revealed additional unforeseen geological conditions and the need for both additional geotechnical studies and design modifications. In October 2007 the Board approved an augmentation of \$400,000 to cover these costs, bringing the total revised project authority to \$14,110,000.

Upon completion of the additional geotechnical studies in the fall of 2008, Parks estimated that the construction phase had increased by \$1,642,000, for a revised total project cost of \$15,752,000. The majority of these increased costs were attributed to the significant amounts of earthwork and retaining walls needed to address the newly-discovered site conditions, such as the depth and location of potential landslide areas. In an effort to bring this project within cost, Parks began to examine various cost-saving alternatives. It was determined that the road and multi-use path could be realigned slightly and located on separate paths, in addition to making a number of other minor design changes, to reduce need for expensive earthwork and stabilization measures, thereby reducing overall project costs by a net of \$766,000. The requested augmentation of \$866,000 will allow for the revision and completion the working drawings for the Chino Hills State Park: Entrance Road project.

Given the complexity of the project, Parks consulted with Caltrans on this project for a second opinion to ensure the proposed solution was appropriate. Caltrans has since reviewed the plans and geotechnical information and has endorsed this solution.

A 20-day letter was sent to the Legislature on June 18, 2010, and the review period has expired with no adverse comments.

\$14,110,000	total authorized project costs
\$13,334,000	total estimated project costs
\$ 1,684,000	project costs previously allocated: \$262,000 preliminary plans and \$1,422,000 working drawings
\$10,784,000	project costs to be allocated: \$10,774,000 construction (\$8,671,000 contract, \$433,000 contingency, \$1,603,000 A&E costs, and \$67,000 agency retained items) and \$10,000 equipment
\$ 866,000	augmentation requested: working drawings
\$ 1,642,000	estimated savings: construction

### CEQA

A Notice of Determination was filed with the State Clearinghouse on November 8, 2004, and the statutes of limitation expired on December 7, 2004, without challenge.

### Real Estate Due Diligence

Due diligence was previously addressed in the preliminary plan phase and no issues have been identified.

Project Schedule

Approve preliminary plans	January 2005
Complete working drawings	June 2011
Complete construction	November 2012

**Staff Recommendation:**     **Approve augmentation.**

## CONSENT ITEMS

### CONSENT ITEM—11

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (3960)  
STRINGFELLOW-RIVERSIDE MINING CONDEMNATION  
RIVERSIDE COUNTY**

*Authority: Chapter 50, Statutes of 1999, Item 3960-001-0001, as reappropriated  
by the Budget Act of 2001  
Chapter 52, Statutes of 2000, Item 3960-001-0001, as reappropriated  
by the Budget Act of 2001  
Chapter 379, Statutes of 2002, Item 3960-001-0001, and Chapter 157, Statutes  
of 2003, Item 3960-001-0001, as reappropriated  
by the Budget Acts of 2005, 2006, and 2007  
Chapters 38 and 39, Statutes of 2005, Item 3960-301-0001, as  
reappropriated by the Budget Act of 2006 and 2007*

**Consider approving an augmentation:**

**\$200,000  
(5.0 percent of total project)  
(16.4 percent cumulative)**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—11

Department of Toxic Substances Control  
Stringfellow-Riverside Mining  
Riverside County

Action Requested

**If approved, the requested action would approve an augmentation.**

Scope Description

**This project is within scope.** The Stringfellow Pretreatment Plant project (PTP) authorizes the acquisition of property on which to construct the project. On December 14, 2007, the State Public Works Board (Board) adopted a Resolution of Necessity authorizing the use of eminent domain (condemnation) to acquire approximately 33 acres adjacent to the current state owned property known as the Stringfellow Federal Superfund Site (Stringfellow). Once possession of the Acquisition Property is obtained, the Department of Toxic Substances Control (DTSC) may proceed with replacing the existing, obsolete plant. Possession will also provide a means to control the existing monitoring and extraction wells located on the Acquisition Property. The principal contaminants of concern include, but are not limited to: acids, heavy metals, Trichloroethylene and Perchlorate.

### Project history and background

From 1956 to 1972 the area that is known as Stringfellow was operated by the Stringfellow Quarry Company as a bulk liquid hazardous waste disposal area. During that period thousands of gallons of organic and inorganic liquid industrial wastes were deposited in open lagoons on the property. Subsequently, there were significant uncontrolled releases of hazardous substances from Stringfellow. In 1981, Stringfellow was declared a federal Superfund Site and under the direction of the United States Environmental Protection Agency (USEPA), a number of interim cleanup and containment activities were implemented. These activities included the installation of 430 groundwater extraction wells and monitoring wells, 30 of these wells are located on the Acquisition Property. The existing PTP was designed and constructed by the USEPA as an interim plant, with an operational life of three to five years; however, it has been in service for over 20 years and is badly in need of replacement.

In 1995, the Federal District Court for the Southern District of California held the State of California 100 percent liable for the cleanup costs at Stringfellow. DTSC is responsible for the remediation of Stringfellow on behalf of the State of California. The DTSC's activities are designed to protect and preserve the environment, including limiting contamination from Stringfellow in order to protect the public drinking water. The nearby communities have been negatively impacted due to the proximity to what has been termed one of the worst federal Superfund sites in the nation.

The existing pretreatment plant cannot meet the current needs and is unable to meet future demands of treatment capacity and contaminant loading because its major treatment components are undersized or worn out. In addition, the USEPA has promulgated more restrictive land disposal requirements for hazardous waste since the pretreatment plant was built. These new requirements coupled with the aging existing pretreatment plant resulted in the need to send the contaminated, dewatered sludge out-of-state for treatment. The cost is approximately four times higher than in-state land disposal. Effective pretreatment will allow the state to dispose of wastes in-state, thus resulting in a significant cost savings. In addition to increasing costs, the transport of this contaminated material is inefficient and poses a level of risk to public health and safety along the transport route.

Construction of the PTP is essential for the ongoing remediation of the contaminated plume of groundwater flowing under the surrounding communities. It will also protect the riparian habitats along Pyrite Creek, which flows through the area.

The footprint required for the new PTP will be quadruple the size of the existing pretreatment plant. The new PTP will not fit on the land where the existing PTP is located, even if the existing PTP is dismantled. Another important consideration is that the existing pretreatment plant must be kept in full operation while the new PTP is constructed and commissioned.

The portion of the Acquisition Property that does not contain the new PTP includes groundwater extraction and monitoring wells, and runoff control structures. The continued operation of these facilities is required to remediate Stringfellow and is mandated by one or more formal Records of Decision issued by the USEPA; acquisition of this property will assure the State maintains control of these essential facilities. Plus, it is probable that the USEPA will require additional extraction and monitoring facilities be installed and unless the state has control of the land, it would be problematic, if not be impossible, to comply with this requirement and potentially could lead to a federal enforcement action.

The Acquisition Property is part of a larger 225 acre property owned by Riverside Mining Limited. A portion of the 225 acre property includes a working quarry; however the Acquisition Property is not suited for quarry operations because part of it was the original highly

contaminated disposal site and all of the Acquisition Property is underlain by shallow highly contaminated groundwater. Thus, while separation of the Acquisition Property from the larger acreage should not have an impact on the existing quarry operations, it is the essential location for the PTP and DTSC's maintenance and remediation responsibilities at Stringfellow.

#### Funding and Cost Verification

**This project is not within cost.** An augmentation of \$200,000 (5.0 percent of project costs) is requested in order to settle the condemnation proceedings, including relocation assistance, for the acquisition of the 33 acres at the Stringfellow Federal Superfund Site in Riverside County. Counsel from both parties are in the process of finalizing the settlement agreement, which in conjunction with the \$200,000, will close this case and allow DTSC to move forward with the constructing a new pretreatment plant. This augmentation along with the previous augmentations of \$450,000 will result in a cumulative augmentation of \$650,000 (16.4 percent of total project appropriations).

A 20-day letter was sent to the Legislature on June 16, 2010, and the waiting period has expired with no adverse comments.

\$72,528,000	total authorized project costs
\$72,728,000	total estimated project costs
\$ 4,413,000	project costs previously allocated: \$1,450,000 acquisition and \$3,063,000 preliminary plans
\$68,115,000	project costs to be allocated: \$1,635,000 working drawings and \$66,480,000 construction (\$55,283,000 contract, \$2,764,000 contingency, \$2,527,000 A&E, and \$5,906,000 other project costs)
\$ 200,000	requested augmentation: acquisition

#### CEQA

This acquisition is exempt from CEQA pursuant to Section 1, Chapter 784, Statutes of 1978; Section 1, Chapter 315, Statutes of 1979; and Section 3, Chapter 1302, Statutes of 1982. In addition to and in supplement of these above noted statutory exemptions from CEQA, this project also fits within categorical exemption 15061(b)(3) of the CEQA guidelines. The categorical exemption is referenced in order to provide an exhaustive listing of available exemptions; however, DTSC is of the position that the statutory exemptions alone are sufficient.

A Notice of Exemption was filed with the State Clearinghouse on November 5, 2007. The 35-day statutes of limitation period expired on December 10, 2007, without challenge.

#### Project Schedule

Approve preliminary plans	June 2011
Complete working drawings	June 2012
Complete construction	May 2014

#### Other

- On February 14, 2008, a proceeding in eminent domain was filed with the Superior Court in Riverside County. The filing was prepared and filed by the State Attorney General on behalf of the State of California, acting by and through the Board.
- The condemnation will deliver the property free and clear of any mortgages or liens.

**Staff Recommendation: Approve augmentation.**

## CONSENT ITEMS

### CONSENT ITEM—12

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)  
CALIFORNIA INSTITUTION FOR WOMEN  
45-BED ACUTE/INTERMEDIATE CARE FACILITY  
SAN BERNARDINO COUNTY

*Authority: Chapters 47 and 48, Statutes of 2006, Item 5225-301-0001 (15.5)  
Sections 15819.40(c) and (d) and 15819.401 – 15819.404 of the Government  
Code*

**Consider recognizing revised project costs**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—12

Department of Corrections and Rehabilitation  
California Institution for Women, 45-Bed Acute/Intermediate Care Facility  
San Bernardino County

#### Action Requested

**If approved, the requested action would recognize revised project costs.**

#### Scope Description

**This project is within scope.** This project will provide 45 single occupancy inmate-patient cells arranged in four wings. This facility will be a licensed mental health treatment facility for female inmate-patient and will serve as an annex to, and under the license of, the existing Correctional Treatment Center located just south of this new building. This facility will include housing, treatment, program, and office space. This project also includes expansion of the existing secure perimeter, two new guard towers, a 180 space parking area, and levees along the catchment basin to protect all occupied areas below 566 feet elevation.



This project is part of the supplemental mental health bed plan approved by the *Coleman* court in August 2007 and the activation schedule for this project was approved by the *Coleman* court on June 18, 2009. This project is necessary to provide adequate licensed inpatient mental health treatment capacity for the CDCR's female inmates who require inpatient mental health care beyond short-term crisis care.

#### Funding and Cost Verification

**This project is within cost.** The Budget Act of 2006 appropriated \$2,172,000 General Fund for the preliminary plans for this project. On June 12, 2009 the Board took an action allocating \$61,577,000 of the \$710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in section 15819.403(a) of the Government Code to complete working drawings and construction for this project. The previously recognized total project cost was \$63,749,000. A new project cost estimate was completed in association with award of the construction contract. The current total estimated project cost is \$33,763,000, which is a \$29,986,000 decrease.

\$63,749,000	total authorized project cost
\$33,763,000	total estimated project cost
\$63,749,000	project costs previously allocated: \$2,172,000 preliminary plans, \$4,167,000 working drawings, and \$57,410,000 construction (\$44,848,000 contract, \$2,242,000 contingency, \$2,534,000 A&E, \$3,851,000 other project costs, and \$3,935,000 agency retained items)
\$29,986,000	project cost decrease: construction (-\$26,258,000 contract, -\$1,312,000 contingency, -\$310,000 A&E, -\$1,036,000 other project costs, and -\$1,070,000 agency retained items)

#### CEQA

A Notice of Determination was filed with the State Clearinghouse on November 7, 2006 and a second Notice of Determination was filed with the State Clearinghouse on September 27, 2007. The 30-day statutes of limitation for each expired without comment.

#### Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on July 16, 2009 and no significant issues were identified.

#### Project Schedule

Approve preliminary plans	June 2009
Complete working drawings	March 2010
Complete construction	December 2011

**Staff Recommendation: Recognize revised project costs.**

## CONSENT ITEMS

### CONSENT ITEM—13

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)  
CALIFORNIA MEDICAL FACILITY  
64-BED INTERMEDIATE CARE FACILITY  
SOLANO COUNTY

*Authority: Chapters 47 and 48, Statutes of 2006, Item 5225-301-0001 (13.5)  
Sections 15819.40(c) and (d) and 15819.401 – 15819.404 of the Government  
Code*

**Consider recognizing revised project costs**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—13

Department of Corrections and Rehabilitation  
California Medical Facility, 64-Bed Intermediate Care Facility  
Solano County

#### Action Requested

**If approved, the requested action would recognize revised project costs.**

#### Scope Description

**This project is within scope.** This project will expand the Vacaville Psychiatric Program (VPP) at the California Medical Facility (CMF) to include an additional 64 Intermediate Care Facility (ICF) beds, bringing the total number of VPP inpatient beds to 364. The new 64-bed ICF will be operated by the Department of Mental Health (DMH) and will include housing, treatment, program, and office space. This facility will address various concerns of the *Coleman* court by providing additional inpatient mental health treatment space for inmates who require a high security environment. This project also includes a group recreation yard, two small management exercise yards, expansion of the existing electrified perimeter fence, two new guard towers, rerouting of the existing perimeter road, and the addition of an interior perimeter road around the new facility to provide for deliveries and emergency vehicle access.

This project is part of the supplemental mental health bed plan approved by the *Coleman* court in August 2007 and the activation schedule for this project was approved by the *Coleman* court on June 18, 2009. The VPP currently provides 24-hour acute and intermediate inpatient mental health care for 300 mentally ill inmate-patients. The program is jointly operated by the DMH and the Department of Corrections and Rehabilitation (CDCR). This project is necessary to provide adequate licensed inpatient mental health treatment capacity for the CDCR's growing population of male, Level IV inmates who require inpatient mental health care beyond short-term crisis care.

#### Funding and Cost Verification

**This project is within cost.** The Budget Act of 2006 appropriated \$3,914,000 General Fund for the preliminary plans for this project. On April 10, 2009 the Board took an action allocating \$52,199,000 of the \$710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in section 15819.403(a) of the Government Code to complete working drawings and construction for this project. The previously recognized total project cost was \$56,113,000. A new project cost estimate was completed in association with award of the construction contract. The current total estimated project cost is \$33,671,000, which is a \$22,442,000 decrease.

\$56,113,000	total authorized project cost
\$33,671,000	total estimated project cost
\$56,113,000	project costs previously allocated: \$3,914,000 preliminary plans, \$3,288,000 working drawings, \$48,911,000 construction (\$37,063,000 contract, \$1,853,000 contingency, \$3,071,000 A&E, \$3,888,000 other project costs, and \$3,036,000 agency retained items)
\$22,442,000	project cost decrease: construction (-\$18,363,000 contract, -\$918,000 contingency, -\$890,000 A&E, -\$1,384,000 other project costs, and -\$887,000 agency retained items)

#### CEQA

A Notice of Determination was filed with the State Clearinghouse on March 5, 2009 and the statutes of limitation expired on April 4, 2009 without public comment.

#### Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on June 6, 2008 and no significant issues were identified.

#### Project Schedule

Approve preliminary plans	April 2009
Complete working drawings	January 2010
Complete construction	September 2011

**Staff Recommendation:**     **Recognize revised project costs.**

## CONSENT ITEMS

### CONSENT ITEM—14

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)  
CALIFORNIA MEDICAL FACILITY  
ENHANCED OUTPATIENT PROGRAM TREATMENT AND OFFICE SPACE  
SOLANO COUNTY

*Authority: Sections 15819.40(c) and (d) and 15819.401 – 15819.404 of the Government Code*

**Consider:**

- a. approving preliminary plans
- b. recognizing revised project costs

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—14

Department of Corrections and Rehabilitation  
California Medical Facility  
Enhanced Outpatient Program Treatment and Office Space  
Solano County

Action Requested

**If approved, the requested action would approve preliminary plans and recognize revised project costs.**

Scope Description

**This project is within scope.** This project will design and construct a new three story building adjacent to the existing Enhanced Outpatient Program (EOP) housing. This new mental health building will not include any new housing, but will provide adequate treatment and office space to support the existing EOP. This project is part of the supplemental mental health bed plan approved by the *Coleman* court in August 2007 and the activation schedule for this project was approved by the *Coleman* court on June 18, 2009.

On October 17, 2007, the *Coleman* court ordered the Department of Corrections and Rehabilitation (CDCR) to submit a development proposal to the Special Master within 150 days outlining their plan for providing adequate EOP treatment and counseling space at the California Medical Facility (CMF). The CDCR submitted the required development proposal on March 28, 2008. This plan proposed the design and construction of a new building to provide adequate treatment and office space to support the 658 existing EOP beds at the CMF. Subsequently, on October 6, 2008, the *Coleman* court ordered the CDCR to design and construct this project as described in their March 28, 2008 development proposal.

#### Funding and Cost Verification

**This project is within cost.** On May 8, 2009 the Board took an action allocating \$45,770,000 of the \$710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in section 15819.403(a) of the Government Code to complete design and construction for this project. A new project cost estimate was prepared in association with completion of preliminary plans. Based on this new estimate, the current total estimated project cost is \$33,884,000, which is an \$11,886,000 decrease.

\$ 45,770,000 total authorized project cost

\$ 33,884,000 total estimated project cost

\$ 45,770,000 project costs previously allocated: \$3,341,000 preliminary plans, \$3,485,000 working drawings, \$38,944,000 construction (\$29,663,000 contract, \$1,483,000 contingency, \$1,501,000 A&E, \$3,428,000 other project costs, and \$2,869,000 agency retained items)

\$ 11,886,000 project cost decrease: -\$876,000 preliminary plans, -\$1,159,000 working drawings, -\$9,851,000 construction (-\$9,997,000 contract, -\$500,000 contingency, \$675,000 A&E, -\$101,000 other project costs, and \$72,000 agency retained items)

#### CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 5, 2009 and the statutes of limitation expired on September 9, 2009 without public comment.

#### Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on May 25, 2010 and no significant issues were identified.

#### Project Schedule

Approve preliminary plans	July 2010
Complete working drawings	December 2011
Complete construction	February 2013

**Staff Recommendation:**      **Approve preliminary plans and recognize revised project costs.**

## CONSENT ITEMS

### CONSENT ITEM—15

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)  
CALIFORNIA STATE PRISON, LOS ANGELES COUNTY  
ENHANCED OUTPATIENT PROGRAM TREATMENT AND OFFICE SPACE  
LOS ANGELES COUNTY

*Authority: Sections 15819.40(c) and (d) and 15819.401 – 15819.404 of the Government Code*

#### Consider:

- a. approving preliminary plans
- b. recognizing revised project costs

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—15

Department of Corrections and Rehabilitation  
California State Prison, Los Angeles County  
Enhanced Outpatient Program Treatment and Office Space  
Los Angeles County

#### Action Requested

**If approved, the requested action would approve preliminary plans and recognize revised project costs.**

#### Scope Description

**This project is within scope.** This project will design and construct a new stand alone building adjacent to housing unit D5 for mental health treatment space and offices for staff to accommodate an increase of 150 Enhanced Outpatient Program beds at the California State Prison, Los Angeles County (LAC). This project is part of the Department of Corrections and Rehabilitation's (CDCR) supplemental mental health bed plan approved by the *Coleman* court in August 2007 and the activation schedule for this project was approved by the *Coleman* court on June 18, 2009.

The proposed new facility will be a single story building located in the Level IV Facility D Yard, within the secure perimeter. The facility will provide administrative space for clinicians, office technicians, custody staff, and correctional counselors and will include restrooms for staff and inmates. The facility will have additional rooms for office equipment, file storage, staff conferences, mail sorting, and staff breaks. Treatment space will include classrooms and separate rooms for group therapy, recreational therapy, patient interviews, and treatment team meetings. Two officers' stations will also be constructed. This project also includes demolition of the existing Food Services Satellite Building, site grading, paving, fencing, site lighting, and utility extensions to the new building.

#### Funding and Cost Verification

**This project is not within cost.** On July 14, 2009 the Board took an action allocating \$11,707,000 of the \$710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in section 15819.403(a) of the Government Code to complete design and construction for this project. A new project cost estimate was prepared in association with completion of preliminary plans. Based on this new estimate, the current total estimated project cost is \$15,096,000, which is a \$3,389,000 increase.

\$ 11,707,000 total authorized project cost

\$ 15,096,000 total estimated project cost

\$ 11,707,000 project costs previously allocated: \$689,000 preliminary plans, \$588,000 working drawings, \$10,430,000 construction (\$7,906,000 contract, \$395,000 contingency, \$495,000 A&E, \$606,000 other project costs, and \$1,029,000 agency retained items)

\$ 3,389,000 project cost increase: \$139,000 working drawings, \$3,250,000 construction (\$2,189,000 contract, \$110,000 contingency, \$160,000 A&E, \$192,000 other project costs, and \$599,000 agency retained items)

#### CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 5, 2009 and the statutes of limitation expired on September 9, 2009 without public comment.

#### Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on May 25, 2010 and it is noted that no significant issues were identified.

#### Project Schedule

Approve preliminary plans	July 2010
Complete working drawings	January 2011
Complete construction	July 2012

**Staff Recommendation:**      **Approve preliminary plans and recognize revised project costs.**

## CONSENT ITEMS

### CONSENT ITEM—16

CALIFORNIA COMMUNITY COLLEGES (6870)  
MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT, MONTEREY PENINSULA  
COLLEGE, HUMANITIES, BUSINESS AND STUDENT SERVICES  
MONTEREY COUNTY

*Authority: Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by  
Chapter 1, Statutes of 2009, Fourth Extraordinary Session*

**Consider approving preliminary plans**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—16

California Community Colleges  
Monterey Peninsula Community College District, Monterey Peninsula College  
Humanities, Business and Student Services, Monterey County

#### Action Requested

**If approved, the requested action would approve preliminary plans.**

#### Scope Description

**This project is within scope.** This project is to modernize the Humanities Building, the Business & Humanities Building and the Student Services building resulting in a decrease of 307 asf of lecture space, a decrease of 321 asf of lab space, a decrease of 4,017 asf office space.



### Funding and Project Cost Verification

**This project is within cost.**

\$ 8,399,000	total authorized project costs
\$ 7,090,000	total estimated project costs
\$ 182,000	state funds previously allocated: preliminary plans
\$ 182,000	local funds previously allocated: preliminary plans
\$ 3,363,000	state funds to be allocated: \$187,000 working drawings, \$3,176,000 construction (\$2,872,000 contracts, \$195,000 contingency, and \$143,000 project administration)
\$ 3,363,000	local funds to be allocated: \$187,000 working drawings, \$3,176,000 construction (\$2,872,000 contracts, \$195,000 contingency, and \$143,000 project administration)

### CEQA

A Notice of Determination was filed with the State Clearinghouse on March 23, 2006, and the 30-day statute of limitation expired on April 22, 2006, without challenge.

### Real Estate Due Diligence

Community college districts have full responsibility for clearing due diligence issues for general obligation bond projects.

### Project Schedule

Approve preliminary plans	July 2010
Complete working drawings	January 2011
Complete construction	August 2012

**Staff Recommendation:     Approve preliminary plans.**

## CONSENT ITEMS

### CONSENT ITEM—17

CALIFORNIA COMMUNITY COLLEGES (6870)  
SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT, CAÑADA COLLEGE  
ELECTRICAL INFRASTRUCTURE REPLACEMENT  
SAN MATEO COUNTY

*Authority: Chapter 1, Statutes of 2009, Third Extraordinary Session, Item 6870-303-6049(1)*

**Consider approving preliminary plans**

## CONSENT ITEMS

### STAFF ANALYSIS ITEM—17

California Community Colleges  
San Mateo County Community College District, Cañada College  
Electrical Infrastructure Replacement, San Mateo County

#### Action Requested

If approved, the requested action would approve preliminary plans.

#### Scope Description

**This project is within scope.** This project corrects the safety and serviceability of the electrical infrastructure at Cañada College by replacing components of the system including among others transformers, switchgear, and switchboards.

### Funding and Project Cost Verification

\$3,838,000	total authorized project costs
\$3,838,000	total estimated project costs
\$ 185,000	state funds previously allocated: preliminary plans
\$3,872,000	state funds to be allocated: \$229,000 working drawings and \$3,424,000 construction (\$2,995,000 contracts, \$210,000 contingency, and \$219,000 project administration)

### CEQA

A Notice of Determination was filed with the State Clearinghouse on May 10, 2007, and the 30-day statutes of limitation expired on June 10, 2007, without challenge.

### Real Estate Due Diligence

Community college districts have full responsibility for clearing due diligence issues for general obligation bond projects.

### Project Schedule

Approve preliminary plans	July 2010
Complete working drawings	February 2011
Complete construction	February 2012

**Staff Recommendation:     Approve preliminary plans.**

**OTHER BUSINESS**

**NONE**

**REPORTABLES**

**To be presented at the meeting.**